

NOTICE OF PROPOSED RULEMAKING
TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION
PREAMBLE

1.

<u>Sections Affected</u>	<u>Rulemaking Action</u>
R12-4-302	Amend
R12-4-303	Amend
R12-4-304	Amend
R12-4-305	Amend
R12-4-306	Amend
R12-4-307	Amend
R12-4-308	Amend
R12-4-309	New Section
R12-4-310	Amend
R12-4-311	Amend
R12-4-313	Amend
R12-4-314	New Section
R12-4-315	Amend
R12-4-316	Amend
R12-4-317	Amend
R12-4-318	Amend
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 17-102 and 17-231(A)(1), (2), and (3)

Implementing statutes: A.R.S. §§ 17-102, 17-211(E)(3) and (4), 17-231(A)(1), (2), (3) and (4), 17-231(B)(6) and (8), 17-234, 17-235, 17-238, 17-301, 17-306, 17-309, 17-331, 17-332, 17-361, 17-371 and 17-372
3. **A list of all previous notices appearing in the Register addressing the proposed rules:**

Notice of Docket Opening: 15 A.A.C. *to be filled in by the Register editor*, January 2, 2009
4. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Ron Day

Address: Arizona Game and Fish Department
5000 W. Carefree Hwy
Phoenix, AZ 85086

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Fax: (623) 236-7929
E-mail: Rday@azgfd.gov

5. **An explanation of the rules, including the agency's reasons for initiating the rulemaking:**

The Arizona Game and Fish Commission proposes to amend its Article 3 rules, governing the taking and handling of wildlife, to enact changes developed during a preceding five-year rule review. After evaluating the scope and effectiveness of the revisions specified in the review, the Commission is proposing additional changes to further implement the original proposal.

The Commission proposes to amend R12-4-302 to accurately describe current tags issued by the Department. Subsection (J) pertains to the Carcass/Transportation/Shipping Permit and describes the current tag and its usage. The current tag referenced in (J)(1) does not have a perforated line to tear and separate the tag, making the language incorrect. This portion of subsection (J) was removed because it no longer applies. Subsection (K) was modified to mirror language in subsection (J) to clearly describe the proper use for the Transportation and Shipping Permit. Subsection (L) was modified to state that if either permit is sealed, mutilated, signed, or filled out, the tag is no longer valid for taking wildlife.

The Commission proposes to amend R12-4-303 to prohibit the use of edible or ingestible substances to attract big game for the purposes of hunting under subsection (B). The Department believes that R12-4-303 exists to prohibit devices and methods compromising the spirit of fair chase or adversely impacting hunter success rates. The recent increase in the use of baiting has resulted in the need for further regulation due to disproportionally high harvest rates among those using this method of hunting. Consequently, the Department is offering fewer hunting opportunities, which negatively impacts hunter recruitment and retention. Additionally, the Commission is inserting subsection (F) to more closely regulate the pursuit of bears and lions with dogs and mirror the current guide rule R12-4-208, to increase consistency among the current set of rules. R12-4-208(I) clearly states that a person acting as a guide "shall not pursue any wildlife or hold at bay any wildlife for a hunter unless the hunter is present during the pursuit to take the wildlife" and that "the hunter shall be continuously present during the entire pursuit of that specific animal." This amendment extends this requirement to all hunters instead of only guides and requires any hunter who takes a bear or lion, with the aid of dogs, to be present during the entire pursuit. A continuing Department concern is the occurrence of "will call" hunts, where an individual hunting with the aid of dogs holds a lion or bear at bay during an open season and calls another hunter who has a tag for the species to make the kill. Because pursuit falls under the definition of take, it is considered a method of take and appropriately included in this rule.

The Commission proposes to amend R12-4-304 to improve consistency and reduce confusion among hunters regarding the use of crossbows. The amendments allow crossbows and bows drawn and held with an assisting device for the take of specific wildlife. The Department removed the need for a crossbow permit to take certain species of big game during specific seasons. Current rule language unintentionally restricts take to people holding a crossbow permit, which is not required during the general season. The proposed change makes the rule less restrictive, increases clarity, and improves consistency with other subsections of the rule. The change to allow bows drawn and held with an assisting device was made because the Department

currently allows this device but does not clearly state this in rule. The Department recommends that an amendment to R12-4-216 be considered simultaneously to authorize the use of bows drawn and held with an assisting device. The use of shotgun shooting shot was added as a method of take for mountain lions. It is an effective and ethical method of take and will not impact mountain lion populations. The additional number of mountain lions taken using this method is likely to be minimal and this request has been asked for by the public during hunt guideline discussions. The Commission proposes to amend subsection (B) to allow the take of upland game birds with pneumatic weapons. The agency received a comment requesting to take upland game birds using air rifles. The Department believes this is an acceptable method of take and proposes to amend the rule accordingly. The Commission proposes to amend subsections (B) and (D) to allow an individual to use dogs to pursue cottontail rabbits, tree squirrels, upland game birds, and birds. This activity is currently allowed for nongame mammals and birds, but is not addressed in rule. This rule amendment clarifies that the pursuit of wildlife with dogs as a lawful activity. The rule is further amended to allow an individual to use dogs as a lawful method to take predatory and furbearing animals, small game, and nongame mammals. The sport of using dogs to take wildlife has existed in North America since Colonial days. This rule amendment clarifies that taking these groups of wildlife with dogs is a lawful activity. The Commission proposes to amend subsections (E) and (F) to prohibit hunting nongame mammals, birds, and reptiles at night using a bow and arrow, crossbow, or pneumatic weapons. These amendments make it easier to enforce unlawful night hunting activities and address law enforcement concerns related to hunter safety. The Commission is proposing further amendments to subsection (E)(1) to eliminate confusion generated by using the terms leghold and foothold traps. In subsection (E)(1), the rule refers to foothold steel traps as being unlawful to take nongame animals. Under R12-4-307, which regulates trapping, these traps are called “leghold” traps. The Department is amending the rule to make these terms consistent and replace “leghold” trap with “foothold” trap.

The Commission proposes to amend R12-4-305 to clarify permit language and accurately describe the purpose and use of the Carcass/Transportation/Shipping Permit and the Transportation and Shipping Permit. The rule references the Transportation/Shipping Permit portion of a tag and recent rule amendments, as well as formatting changes to tags, now refer to this portion as the “Transportation and Shipping Permit.” The Commission replaced the term “bobcat permit tag” with the term “bobcat export tag” in (G) to mirror changes in R12-4-307. The Commission proposed additional amendments to the rule to conserve native aquatic species by creating additional opportunities for the take and removal of nonnative crayfish. Nonnative crayfish have a grave impact to the state’s native aquatic wildlife population through competition, predation, or disease vector. The Department often works with the public to remove these species where they have established a population. Because they are a nonnative nuisance species and can be prepared for human consumption, the Department intends to allow people to collect and transport crayfish. However, an individual who collects crayfish shall not transport them alive. This is addressed in the new subsection (N). In addition, subsection (M) was amended to allow the sale of crayfish carcasses. Subsection (D) was modified to mirror capitalization in R12-4-302 and subsection (E) was modified to provide additional clarity by fully

describing the use of this permit.

The Commission proposes to amend R12-4-306 to provide additional direct oversight and control to make supplemental hunts more effective in achieving management objectives by amending subsection (C) and inserting subsection (E). Regional employees who oversee the Department's buffalo herd at the House Rock Wildlife Area desire more control over when buffalo are taken from the area, particularly during supplemental hunts. The Department would like the ability to prescribe the order of hunters who take buffalo and would like to designate which animal can be taken during those supplemental hunts that target population reduction efforts. Because of the importance of supplemental hunts, regional personnel need greater flexibility and control when assisting hunters in taking buffalo to maximize harvest. The Department supports this change and proposes to amend the rule accordingly. In addition, "Commission order" was changed to "Commission Order" to correctly mirror how the term is presented in other rule language.

The Commission proposes to amend R12-4-307 to allow the Department to prescribe regulations for powered cable devices because of advances in trapping technology. The advent of foothold snares requires prescribing new regulations for their use or restriction. Because these foot snares are both humane and effective, the Department authorizes their use under subsection (E). A foot snare uses a spring-loaded steel cable loop suspended around the tripping pan to trap an animal by the leg or foot. When the animal compresses the pan in the center and springs the trap, the cable loop will close around the animal's leg or foot to a preset diameter. The preset diameter of the loop keeps the snare from closing to a small diameter so it does not cut off an animal's circulation. The Commission is proposing to amend subsection (E) to add a new item that states a commercially manufactured foot snare with an inside width at frame hinge no wider than 6 inches, cable loop stop size of at least 2 inches in diameter to minimize capturing or injuring non-targeted wildlife and domestic animals, and a device to allow for pan tension adjustment. Because the device described in (E)(4) technically qualifies as a snare, which is an unlawful device under (D)(7), the Department will also amend the subsection to state that snares described in subsection (E) are authorized. The Commission proposes amending subsection (C) to exclude confinement traps because they do not require a restraint device to control nontarget wildlife prior to release. With the proposed amendment to allow certain types of snares, the Department is making its rules consistent with the Best Management Practices (BMP) for trapping as recommended by the Association of Fish and Wildlife Agencies (AFWA). In order for traps and snares to meet the BMP set forth by AFWA, they are evaluated against five performance criteria; animal welfare, efficiency, sensitivity, practicality, and safety. Powered cable devices (foot snares) were tested against these criteria and met the standards set forth by the Furbearer Technical Work Group of AFWA. All states and Canadian provinces are members of AFWA. Additionally, confusion exists because this rule inconsistently uses the term "leghold" trap in relation to other rules that refer to "foothold" traps, specifically in R12-4-304. The proper term is "foothold" trap and corresponding amendments have been made throughout the rule. The Department believes that the APA format makes subsection (E) confusing. It is not clear to some whether an individual who uses a foothold trap with a land set shall use a trap that meets one of these criteria or if a trapper should use traps that meet all these criteria. The Commission further recommends amending

subsection (M) to change the name of the bobcat permit tag to the bobcat export tag. The current tag is required by CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) and must be attached to the pelt prior to sale or export from the state. This tag is not a permit tag, but an export tag, and the proposed amendment reflects this name change. This section is further amended to allow the sale of the export tag year round. Historically, CITES tags were issued by the Federal government on an annual basis and had the year stamped on the tag. CITES tags were changed and do not expire or contain a year of issuance on the tag. There is no longer a need to limit when these tags can be sold. As a result of this change, rule language in subsections (M)(4) and (5) is amended to remove references to the waiving of the April 10 deadline for pelts tagged under this section and pelts consigned to taxidermist.

The Commission proposes to amend R12-4-308 which describes wildlife inspections, check stations, and roadblocks. The Department believes it is not biologically necessary to further require an individual who takes deer, elk, antelope, or buffalo under a special big game permit to submit the skull or skullcap for inspection and photographing. The rule was further amended to grant the Department the authority to conduct inspections of all lawfully taken wildlife. The intent is to allow the Department broad authority to check wildlife as necessary, not to limit authority to the types of wildlife listed. The Department recommends modifying subsection (B) to allow the establishment of harvest objectives for other species to improve flexibility for increasing hunter opportunities while regulating harvest. Harvest objectives specify a designated number of animals to be taken during a hunt. This allows an unlimited number of individuals to participate in a hunt, and the hunt closes when the designated number of animals is taken. Currently, the Department must estimate the number of hunters and their predicted hunt success rate in order to determine how many individuals may participate in a hunt. If hunter success is higher or lower than anticipated, the designated number of animals to be taken is not achieved. The Commission additionally proposes amending the incorrect reference listed in subsection (D) and amending overall rule language to replace “Commission order” with “Commission Order,” maintaining consistency with other rules.

The Commission proposes creating a new rule, R12-4-309, addressing the Authorization for Use of Drugs on Wildlife. This rule provides the Department with proactive regulatory measures to address issues involving the use of drugs on wildlife including fertility drugs, growth hormones, and tranquilizers. Other jurisdictions within the United States have experienced these issues and had to reactively enact regulations to address them. The new rule is consistent with recommended regulatory language as prescribed by the Association of Fish and Wildlife Agencies in 2007. Other jurisdictions within the United States, including Texas and New York, have experienced these issues and have had to reactively enact regulations to address them. The rule provides the Department with the authority to regulate the use of drugs on wildlife and to define and describe the authorization process for allowable drug use on wildlife. The Department believes that certain criteria and standards must be achieved by anyone requesting to use drugs on wildlife in order to ensure the protection and preservation of Arizona’s wildlife resources.

The Commission proposes to amend R12-4-310 for grammatical changes only, including replacing “Commission order” with “Commission Order” and “Fishing Permit” with “fishing permit.” To maintain

consistency with changes in other rules prescribing the issuance of permits, the name permit is identified using lower case letters and the term “permitee” is be replaced with the term “permit holder.”

The Commission proposes to amend R12-4-311 to clarify rule language with what is outlined in statute. Subsection (A) was amended to clarify the meaning of private waters and subsection (B) was amended to outline live crustacean transportation limitations. Subsection (C) was amended to increase free fishing opportunities for the public and flexibility for the Department in response to changes by the Recreational Boating and Fishing Foundation (RBFF), which determines the dates for National Fishing and Boating Week. When National Fishing Week was first implemented, the event spanned a 7 day period. The event was changed to the National Fishing and Boating Week, and now spans a 10 day period, which includes two Saturdays. By amending the rule, the Department is able to allow free fishing on any Saturday that occurs during this event. In addition, language was modified to clearly indicate that free fishing opportunities do not apply to waters of the Colorado River and portions of Lake Powell.

The Commission proposes to amend R12-4-313 to address invasive aquatic species, particularly bullfrogs. As nonnative amphibians, bullfrogs are a competitive species that threaten the state’s native biological diversity, so much so that they are listed as restrictive live wildlife. Both agency personnel and external members of the scientific community encourage the Department to authorize additional methods of take for bullfrog to allow individuals preferring these methods to take advantage of more recreational opportunities. The Department is proposing the methods of take that are most reasonable: bow and arrow, crossbow, and slingshot are already authorized, but pneumatic weapons, such as air rifles, have been added. Another reason for authorizing additional methods of take is to provide more opportunities for hunters and anglers. When the Commission considered a petition from the public asking to authorize archery as a method of take for fish, the Commission also asked the Department to review the feasibility of noodling or gigging as a legal method of take during emergency fishing seasons. Noodling is the practice of hand capture of fish. A gig is a spear with multiple sharp, barbed prongs instead of a single point, that is thrown at fish or amphibians to catch and kill them. Under R12-4-317(C), during a “special” season, which may include emergency seasons, an individual may take fish by any hand-held non-motorized implement that does not discharge a projectile, such as a gig spear, or by hand, which may include noodling. Therefore, by Order, the Commission itself can authorize both noodling and gigging during an emergency season if it feels it will effectively manage the resource and no change would be necessary. In addition, the Department has had problems with enforcement regarding whether a type of shad scoop qualifies as a dip net for collecting baitfish. To clearly describe the type of dip net allowed and address this confusion, the Department proposes inserting a new definition for “dip net” that states a dip net is a net no greater than three feet in the greatest dimension, must be hand held, and the motion of a dip net shall be caused only by the physical effort of the operator. The Department inserted subsection (D)(7) to indicate that catfish may be taken by bow and arrow or crossbow in waters designated by Commission Order. This allows the Commission to specifically open seasons that are limited to specific locations and specific times for the take of catfish with bow and arrow or crossbow. This additionally requires adding language to R12-4-317 to create a season for the take of catfish with bow and

arrow or crossbow.

The Commission proposes creating a new rule, R12-4-314, to address pick-up and possession of wildlife parts. There has been some misunderstanding regarding when individuals may collect wildlife parts. Outdoor activities provide a multitude of wildlife experiences, including the discovery of wildlife parts such as skulls, bones, or shed antlers. Current rule does not adequately address the legality of picking up fresh wildlife parts. Under current rule in R12-4-305, an individual must demonstrate evidence of legality, such as identifiable parts and an applicable license or tag, to possess or transport wildlife parts. Recently, the Commission had to address the situation where people were picking up the remains of deceased wildlife. According to the letter of the law, possession of wildlife parts is only allowable if there is some evidence of legality, such as a permit-tag or special license. There is no exception for an individual who, for example, would like to keep the antlers of a deer or elk that died from causes other than unlawful activity. The Department intends to add this new rule to address this specific situation. The Department believes that a separate “picking up and possessing” rule is necessary to maximize understanding of what to do in this situation. The Department additionally recognizes the role that wildlife parts play in fostering interest and future participation in outdoor activities and would like to be more permissive in allowing this with the appropriate oversight that the new rule provides.

The Commission proposes to amend R12-4-315 to include a reference to R12-4-412, which is a new rule, allowing for off-site weigh-in permits. Rules R12-4-106, R12-4-406, R12-4-409, and R12-4-412 will be presented at the same time as the Article 3 rulemaking package because the indicated changes must occur simultaneously to ensure proper enforcement.

The Commission proposes to amend R12-4-316 to remove red shiner from the list of live bait minnows that can be lawfully possessed, transported, or imported by licensed anglers. Scientific research has identified emerging concerns about the interactions between red shiner, which is currently a legal baitfish, and native aquatic wildlife. These concerns suggest it would be beneficial to restrict the use of red shiner to minimize impacts on aquatic wildlife. The proposed amendment provides the opportunity for anglers to collect red shiner in the wild and possess and use them as bait on the body of water where they are captured.

The Commission proposes to amend R12-4-317 to increase consistency with other rule language by changing “Commission order” to “Commission Order.” Additionally, the language added in R12-4-313 allows the Commission to specifically open seasons that are limited to specific locations and specific times for the take of catfish with bow and arrow or crossbow. This requires modifying the language in subsection (B)(8) to grant the Commission the ability to establish a season for taking catfish with bow and arrow or crossbow through Commission Order.

The Commission proposes to amend R12-4-318 to allow archers to possess a non-hunting handgun for personal protection during an archery-only season. Currently, individuals are not allowed to have a firearm in their immediate possession while participating in an archery-only season. The Department currently has an enforcement directive allowing individuals to carry a non-hunting handgun for personal protection during an archery-only season. This directive allows an activity which is contrary to rule. This rule is amended in

subsection (C) to allow an individual to carry a non-hunting handgun for personal protection during an archery-only season. The amended rule clearly prescribes that a non-hunting handgun is a handgun with a barrel length of six inches or less that does not have a scope or any type of electronic sight. In addition, subsection (C) was amended to allow individuals participating in a “muzzleloader” season to possess a non-hunting handgun for personal protection. The Department recently received a comment from a muzzleloader asking to be allowed to carry a handgun for personal protection and the Department supports this change. Subsection (C) is also amended to include falconry as a method of take during an archery-only season and to exempt falconers hunting with exotic raptors from possessing a falconry license as prescribed in R12-4-422. This brings the rule into alignment with recent statutory changes to A.R.S. § 17-236. The Department requires falconers to comply with the Migratory Bird Treaty Act, which only covers birds native to North America. Exotic raptors are native to countries outside of North America, and must be exempt from the falconry license requirement. Current rule is more restrictive than statute, and is modified to ensure the rule is in alignment with its statutory authority. The Commission is further amending rule language to read “foothold” instead of “foot-hold” and “Commission order” to read “Commission Order” to correctly mirror other current rule language.

6. **A reference to any study relevant to the rules that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rules or proposes not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, any analysis of each study and other supporting material:**

The Department did not rely on any study in its evaluation of or justification for the proposed rules.

7. **A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

8. **The preliminary summary of the economic, small business, and consumer impact:**

The Commission’s intent in proposing these amendments is to address the ethical taking and handling of wildlife. These areas include the use of tags, lawful and unlawful methods of taking and possessing wildlife and wildlife parts, seasons, use of drugs on wildlife, and wildlife check and reporting requirements. The majority of the rulemaking is intended to benefit the hunting public as well as the Department, by clarifying rule language to ease enforcement, creating consistency among existing rules, providing greater opportunities for hunting and methods of take, and allowing the Department additional oversight to handle advances in trapping technology, population management, and protection of the spirit of fair chase. The Commission has determined that the benefits of the rulemaking outweigh any costs.

9. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

See item #4.

10. **The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules; or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the**

proposed rules:

Written comments will be accepted at the above address for 30 days following publication of this Notice in the *Arizona Administrative Register*. An oral proceeding regarding the proposed rules will be held as follows:

Date: April 17, 2009
Time: 8:00 a.m. to 5:00 p.m.
Location: Arizona Game and Fish Department
5000 W. Carefree Hwy
Phoenix, AZ 85086

The rulemaking record will close at 5 p.m. on April 17, 2009.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Any material incorporated by reference and its location in the rules:

None

13. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION
ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

Section

- R12-4-302. Use of Tags
- R12-4-303. Unlawful Devices, Methods, and Ammunition
- R12-4-304. Lawful Methods for Taking Wild Mammals, Birds, and Reptiles
- R12-4-305. Possessing, Transporting, Importing, Exporting, and Selling Carcasses or Parts of Wildlife
- R12-4-306. Buffalo Hunt Requirements
- R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts
- R12-4-308. Wildlife Inspections, Check Stations, and Roadblocks
- R12-4-309. ~~Repealed~~ Authorization for Use of Drugs on Wildlife
- R12-4-310. Fishing Permits
- R12-4-311. Exemptions from Requirement to Possess an Arizona Fishing License while Taking Aquatic Wildlife
- R12-4-313. Lawful Methods of Taking Aquatic Wildlife
- R12-4-314. ~~Repealed~~ Pick-up and Possession of Wildlife Parts
- R12-4-315. Possession of Live Fish; Unattended Live Boxes and Stringers
- R12-4-316. Possession, Transportation, or Importation of Live Baitfish, Crayfish, or Waterdogs
- R12-4-317. Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians, and Aquatic Reptiles
- R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

R12-4-302. Use of Tags

- A. No change
- B. No change
- C. No change
- D. No change
- E. No change
- F. No change
- G. No change
- H. No change
- I. No change
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
- J. An individual who lawfully takes wildlife ~~under a~~ with a valid tag and wishes to authorize another individual to possess, transport, or ship any portion of a carcass under R12-4-305 shall, at the time the portions are to be possessed, transported, or shipped independent from the original tag holder:
 - ~~1. Tear and separate the tag portions along the perforated line,~~
 - ~~2.1.~~ Legibly complete and sign the Carcass/Transportation/Shipping Permit portion in accordance with R12-4-305(D), and
 - ~~3.2.~~ Provide to the individual who will possess and transport the portions of the carcass the completed Carcass/Transportation/Shipping permit.
- K. An individual who ~~possesses~~ lawfully takes wildlife with a valid tag and wishes to authorize another individual to possess, ~~transports~~ transport, or ~~ships a ship~~ the tagged portion of the carcass or any part or parts of a carcass and is not the original tag holder shall ~~possess the completed~~ complete the Carcass/Transportation/Shipping ~~permit~~ Transportation and Shipping Permit portion issued as part of the original ~~permit tag~~ tag authorizing the take of that animal.
- L. If a tag or a separated portion of a tag has been sealed, ~~or~~ mutilated, or the Carcass/Transportation/Shipping ~~permit portion~~ Permit or the Transportation and Shipping Permit portion of the tag is ~~are~~ signed or filled out, the tag is ~~no longer valid~~ invalid for taking wildlife.

R12-4-303. Unlawful Devices, Methods, and Ammunition

- A. No change
 - 1. No change
 - 2. No change

3. No change
4. No change
5. No change
6. No change
7. No change

B. ~~An individual shall not place substances in a manner intended to attract bears.~~ Except for the use of nutritional supplements, salt, or salt-based materials produced and manufactured for the livestock industry and placed by individuals raising livestock or the Department for the benefit of wildlife, the following uses of edible or ingestible substances to aid in taking big game are unlawful.

1. An individual shall not place edible or ingestible substances, including salt or salt based products, to attract big game for the purpose of taking big game.
2. An individual shall not take big game with the aid of edible or ingestible substances, including salt or salt based products, placed for the purpose of attracting a big game animal to a specific location.

~~**B.C.**~~ An individual shall not place any substance in a manner intended to attract bears.

~~**C.D.**~~ An individual shall not use manual or powered jacking or prying devices to take reptiles or amphibians.

~~**D.E.**~~ An individual shall not use live decoys, recorded bird calls, electronically amplified bird calls, or baits to take migratory game birds, as prohibited by 50 CFR 20.21, ~~revised June 14, 2001~~ published October 1, 2001. This material is incorporated by reference in this Section, but does not include any later amendments or editions. A copy is available from any Department office, online from the Government Printing Office web site www.gpoaccess.gov, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, 732 North Capitol St. NW, Washington, D.C. 20402 20401.

F. An individual shall not use dogs to pursue or hold at bay any bear or lion for another hunter unless the hunter is present when the dogs are released on a specific target animal and continuously present for the entire pursuit. This subsection does not apply to any activity allowed in A.R.S. § 17-302.

R12-4-304. Lawful Methods for Taking Wild Mammals, Birds, and Reptiles

A. An individual may use the following methods to take big game, subject to the restrictions in R12-4-303 and R12-4-318.

1. To take antelope:
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. ~~For individuals holding a crossbow permit issued under R12-4-216, crossbows~~ Crossbows with a

minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(1)(g) to be drawn and held with an assisting device.

2. To take bear:

- a. No change
- b. No change
- c. No change
- d. No change
- e. No change
- f. No change
- g. No change
- h. ~~For individuals holding a crossbow permit issued under R12-4-216, crossbows~~ Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(2)(g) to be drawn and held with an assisting device; and
- i. No change

3. To take bighorn sheep:

- a. No change
- b. No change
- c. No change
- d. No change
- e. No change
- f. No change
- g. No change
- h. ~~For individuals holding a crossbow permit issued under R12-4-216, crossbows~~ Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(3)(g) to be drawn and held with an assisting device.

4. To take buffalo:

- a. At the House Rock Wildlife Area:
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - vi. ~~For individuals holding a crossbow permit issued under R12-4-216, crossbows~~ Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and

broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(4)(a)(v) to be drawn and held with an assisting device.

- b. No change
 - i. No change
 - ii. No change
 - iii. No change
- 5. To take deer:
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(5)(g) to be drawn and held with an assisting device.
- 6. To take elk:
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. ~~For individuals holding a crossbow permit issued under R12-4-216, crossbows~~ Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(6)(g) to be drawn and held with an assisting device.
- 7. To take javelina:
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change

- h. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(7)(g) to be drawn and held with an assisting device;
 - i. No change
 - j. No change
- 8. To take mountain lion:
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(8)(g) to be drawn and held with an assisting device; and
 - i. Pursuit with dogs; and
 - j. Shotguns shooting shot.
- 9. To take turkey:
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(9)(g) to be drawn and held with an assisting device;
 - i. No change
 - j. No change
 - k. ~~22~~ .17 rimfire magnum rifles; and
 - l. Shotguns shooting shot.
- B.** An individual may use the following methods to take small game, subject to the restrictions in R12-4-303 and R12-4-318.
 - 1. To take cottontail rabbits and tree squirrels:
 - a. No change

- b. No change
 - c. No change
 - d. No change
 - e. Slingshots, ~~and~~
 - f. Falconry; and
 - g. Pursuit with dogs.
2. To take all upland game birds:
- a. No change
 - b. No change
 - c. Pneumatic weapons.
 - ~~e-d.~~ Shotguns shooting shot,
 - ~~d-e.~~ Handguns shooting shot, ~~and~~
 - ~~e-f.~~ Crossbow; and
 - g. Pursuit with dogs.
3. To take migratory game birds:
- a. No change
 - b. No change
 - c. No change
 - d. Shotguns shooting shot, except that lead shot shall not be used or possessed while taking ducks, geese, swans, mergansers, common moorhens, or coots; ~~and~~
 - e. Shotguns shooting shot and incapable of holding more than two shells in the magazine, unless plugged with a one-piece filler that cannot be removed without disassembling the gun that limits the magazine capacity to two shells; and
 - f. Pursuit with dogs.
- C.** No change
- 1. No change
 - 2. No change
 - 3. No change
- D.** An individual may take predatory and furbearing animals by using the following methods, subject to the restrictions in R12-4-303 and R12-4-318:
- 1. No change
 - 2. No change
 - 3. No change
 - 4. Traps not prohibited by R12-4-307; ~~and~~
 - 5. Artificial light while taking raccoon, if the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail; and

6. Take with dogs.

- E. An individual may take nongame mammals and birds by any method not prohibited in R12-4-303 or R12-4-318, ~~under subject to~~ the following ~~conditions~~ restrictions. An individual:
1. Shall not take nongame mammals and birds using foothold ~~steel~~ traps;
 2. No change
 3. Shall not use firearms, bow and arrow, crossbow, or pneumatic weapons to take nongame mammals and birds at night; and
 4. No change
- F. An individual may take reptiles by any method not prohibited in R12-4-303 or R12-4-318 ~~under subject to~~ the following ~~conditions~~ restrictions. An individual:
1. No change
 2. Shall not use firearms, bow and arrow, crossbow, or pneumatic weapons to take reptiles at night; and
 3. No change

R12-4-305. Possessing, Transporting, Importing, Exporting, and Selling Carcasses or Parts of Wildlife

- A. For the purposes of this Section, “evidence of legality” means:
1. The wildlife is identifiable as the “legal wildlife” prescribed by Commission ~~order~~ Order, which may include evidence of species, gender, antler or horn growth, maturity and size; and
 2. The wildlife is accompanied by the applicable license, tag, ~~separated portion of a tag under R12-4-302,~~ stamp, or permit required by law.
- B. No change
- C. In addition to the requirement in subsection (B), an individual possessing or transporting the following wildlife shall also ensure that:
1. No change
 2. No change
 3. No change
 4. Each quail has attached a fully feathered head, or a fully feathered wing, or a leg with foot attached, if the current Commission ~~order~~ Order has established separate bag or possession limits for any species of quail.
- D. An individual who has lawfully taken wildlife that requires a valid tag when prescribed by the Commission, such as big game, sandhill crane, or pheasant, may authorize its transportation or shipment by completing and signing the ~~Transportation/Shipping Permit~~ Transportation and Shipping Permit portion of the valid tag for that animal. A separate ~~Transportation/Shipping Permit~~ Transportation and Shipping Permit issued by the Department is necessary to transport or ship to another state or country any big game taken with a resident license. Under A.R.S. § ~~17-372~~ 17-372(B), an individual may ship other lawfully taken wildlife by common carrier after obtaining a valid ~~Transportation/Shipping Permit~~ Transportation and Shipping Permit issued by the Department. The individual shall provide the following information on the permit form:
1. No change

2. No change
 3. No change
 4. No change
 5. No change
- E. An individual who lawfully takes wildlife under a tag may authorize another individual to possess ~~the head or carcass of~~ and transport any portion of the wildlife by separating and attaching the tag separate from the original tag by using the Carcass/Transportation/Shipping Permit as prescribed in under R12-4-302. ~~An individual who receives a portion of the wildlife shall provide the identity of the individual who took and gave the portion of the wildlife.~~
- F. No change
- G. An individual who sells, offers for sale, or exports the raw pelt of a bobcat taken in this state shall obtain a bobcat ~~permit~~ export tag available for a fee as provided in R12-4-102 at Department offices and other locations at those times and places as determined and published by the Department, and shall ensure that the bobcat ~~permit~~ export tag is locked through the mouth or eye openings so that it cannot be removed.
- H. No change
- I. No change
- J. No change
- K. No change
- L. No change
- M. An individual in possession of a carp (*Cyprinus carpio*) ~~or~~ buffalofish (*Ictiobus* spp.), or crayfish carcass taken under Commission ~~order~~ Order may sell the carcass.
- N. An individual may collect and transport crayfish from any waters of the State. An individual shall not transport crayfish alive from the site where taken.

R12-4-306. Buffalo Hunt Requirements

- A. When authorized by Commission ~~order~~ Order, the Department shall conduct a hunt to harvest buffalo from the state's buffalo herds.
- B. No change
- C. A hunter with a buffalo hunt permit-tag for the Raymond Wildlife Area herd shall hunt in the order scheduled by the Department. During a supplemental hunt, a hunter with a buffalo restricted nonpermit-tag for the House Rock Wildlife Area herd shall hunt in the order scheduled when required by the Department.
- D. No change
- E. During a supplemental hunt, a hunter with a buffalo restricted nonpermit-tag for the House Rock Wildlife Area herd shall be accompanied by an authorized Department employee who shall designate the animal to be harvested when required by the Department.

R12-4-307. Trapping Regulations; Licensing; Methods; Tagging of Bobcat Pelts

- A. For the purposes of this Section, the following definitions apply:
1. No change
 2. No change
 3. “Foothold trap” means a device designed to capture an animal by the leg or foot. The term foothold trap is synonymous with leghold trap.
 - ~~3-4.~~ “Instant kill trap” means a device designed to render an animal unconscious and insensitive to pain quickly with inevitable subsidence into death without recovery of consciousness.
 - ~~4-5.~~ “Land set” means any trap used on land rather than in water.
 - ~~5.~~ “Leghold trap” means a device designed to capture an animal by the leg or foot.
 6. No change
 7. No change
 8. No change
 9. No change
- B. A valid trapping license is required for an individual 14 years of age or older for trapping predatory and fur-bearing animals. An individual born on or after January 1, 1967 shall successfully complete a Department-approved trapping education course to obtain a trapping license. Traps may be used to take predatory and fur-bearing animals only during the trapping season established by Commission ~~order~~ Order.
- C. All trappers shall inspect their traps daily and kill or release all predatory and fur-bearing animals. All trappers shall release without additional injury all animals that cannot lawfully be taken by trap. While in the field, all trappers, except those using confinement traps, shall possess a device that is designed or manufactured to restrain trapped animals so that a trapped animal can be removed from a trap when its release is required by this Section. All trappers, except those using confinement traps, in units designated by Commission ~~order~~ Order as javelina hunt units, shall possess a choke restraint device that enables the trapper to release a javelina from a trap.
- D. An individual shall not:
1. No change
 2. No change
 3. No change
 4. Set a ~~leghold~~ foothold trap within 30 feet of a sight-exposed bait;
 5. No change
 6. No change
 7. Use any snare, unless it is authorized under subsection (E);
 8. No change
 9. No change
 10. Use a ~~leghold~~ foothold trap with an open jaw spread that exceeds 7 1/2 inches for any water set; or
 11. No change
- E. An individual who uses a ~~leghold~~ foothold trap to take wildlife with a land set shall use:

1. A commercially-manufactured, padded, or rubber-jawed trap, or an unpadded trap with jaws permanently offset to a minimum of 3/16 inch and a device to allow for pan tension adjustment;
 2. A commercially-manufactured jawed trap that does not exceed 5 1/2 inches, modified with a pan safety device that prevents capture of non-targeted wildlife or domestic animals and a separate device that allows for pan tension adjustment; ~~or~~
 3. A commercially manufactured ~~leghold~~ foothold trap that captures wildlife by means of an enclosed bar or spring designed to prevent capture of non-targeted wildlife or domestic animals; ~~or~~
 4. A commercially manufactured powered cable device with inside width at frame hinge no wider than 6 inches, cable loop stop size of at least 2 inches in diameter to prevent capture of small non-target species, and a device to allow for a pan tension adjustment.
- F. An individual who uses a ~~leghold~~ foothold trap to take wildlife with a land set shall ensure that the trap has an anchor chain with at least two swivels. Anchor chains that are 12 inches or less in length shall have a swivel attached at each end. Anchor chains that are greater than 12 inches shall have one swivel attached at the trap and one swivel attached within 12 inches of the trap. The anchor chain shall be equipped with a shock-absorbing spring that requires less than 40 pounds of force to extend or open the spring.
- G. No change
- H. No change
- I. No change
- J. No change
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
- K. No change
- L. No change
1. No change
 2. No change
- M. Trappers shall ensure that pelts of bobcats that they have taken in this state that are sold, offered for sale, or exported from the state shall have bobcat ~~permit export~~ tags (~~export tags~~) locked through the mouth and an eye opening, or through both eye openings so that the ~~permit export~~ tag cannot be removed without being damaged. Trappers may obtain bobcat ~~permit export~~ tags as follows:
1. Bobcat ~~permit export~~ tags are available for a fee as provided in R12-4-102 at Department offices and other locations at those times and places as determined and published by the Department.
 2. When available, bobcat ~~permit export~~ tags are issued on a first-come, first-served basis ~~from November 1 through April 10 of each year.~~
 3. Department personnel or authorized agents of the Department shall attach and lock bobcat ~~permit export~~ tags

tags only to those pelts presented with validated transportation tags. Department personnel or authorized agents of the Department shall collect the transportation tags before attaching the bobcat ~~permit~~ export tags.

4. ~~The April 10 deadline is waived for pelts consigned to licensed taxidermists for tanning or mounting.~~

5.4. Department personnel shall attach bobcat ~~permit~~ export tags to bobcat pelts seized under ~~A.R.S. § 17-211(D)(4)~~ A.R.S. § 17-211(E)(4) before disposal by the Department. ~~The April 10 deadline is waived for pelts tagged under this subsection.~~

R12-4-308. Wildlife Inspections, Check Stations, and Roadblocks

A. The Department has the authority to establish mandatory wildlife check stations. The Department shall publish the location, check-in requirements, and check-out requirements for a season with the published Commission ~~order~~ Order establishing the season.

1. No change
2. No change
3. No change
4. No change

B. The Department has the authority to conduct inspections ~~for bighorn sheep, archery deer, bear, mountain lion and special big game license tags (deer, elk, antelope, and buffalo)~~ of lawfully taken wildlife at the Department's Phoenix and regional offices or designated locations. Regional offices are open 8:00 a.m. to 5:00 p.m., Monday through Friday, except on legal state holidays.

1. All bighorn sheep hunters shall personally check out within three days after the close of the season. Each hunter who takes a bighorn sheep shall submit the intact horns and skull for inspection and photographing. The Department representative shall affix a mark or seal to one horn of each bighorn sheep lawfully taken under Commission ~~order~~ Order. The hunter shall not remove, alter, or obliterate the mark or seal.

~~2. All special big game license tag hunters who tag a deer, elk, antelope, or buffalo shall submit the intact horns or antlers and skull or skullcap for inspection and photographing within three days after the close of the season.~~

~~3.2.~~ A successful ~~non-permit tag~~ nonpermit-tag archery deer hunter shall report information about the kill to a Department office in person or by telephone within 10 days of taking the deer if the hunt area does not have a check station requirement.

~~4.3.~~ A successful bear or mountain lion hunter shall report information about the kill in person or by telephone within 48 hours of taking the wildlife. The report shall include the name of the hunter, the hunter's hunting license number, the sex of the wildlife taken, the management unit where the wildlife was taken, and a telephone number where the hunter can be reached for additional information. Within 10 days of taking the wildlife, each hunter who takes a bear or mountain lion shall present the skull, hide, and attached proof of sex for inspection. If a hunter freezes the skull or hide before presenting it for inspection, the hunter shall prop the jaw open to allow access to the teeth and ensure that the attached proof of sex is identifiable and accessible.

4. For seasons other than bear and mountain lion, where a harvest objective is established, a successful license holder shall report information about the kill in person or by telephone within 48 hours of taking the wildlife. The report shall include the name of the individual, the individual's license number, the sex of the wildlife taken, the management unit where the wildlife was taken, and a telephone number where the individual can be reached for additional information.

C. No change

- D. This Section does not limit the game ranger or wildlife manager's authority to conduct stops, searches, and inspections under ~~A.R.S. §§ 17-211(D)~~ A.R.S. §§17-211(E) and 17-331, or to establish voluntary wildlife survey stations to gather biological information.

R12-4-309. ~~Repealed~~ Authorization for Use of Drugs on Wildlife

A. For the purposes of this Section:

1. "Drug" means any chemical substance, other than food or mineral supplement, which affects the structure or biological function of any wildlife under the jurisdiction of the state.
2. "Person" means any individual, corporation, partnership, limited liability company, non-governmental organization or club, licensed animal shelter, government entity other than the Department, and any officer, employee, volunteer, member or agent of a person.

B. Except with written authorization from the Department or as otherwise provided in subsection (F) below, a person shall not administer any drug to any wildlife under the jurisdiction of the state, including but not limited to drugs used for fertility control, disease prevention or treatment, immobilization, or growth stimulation.

C. A person making a request for the use of drugs on wildlife shall submit the request at least 120 days before the anticipated start date of the activity and provide:

1. A plan that includes:
 - a. The purpose and need for the proposed activity;
 - b. A clear statement of the objectives, including for fertility control the target wildlife population goals or densities and the anticipated time frame to meet these objectives;
 - c. A description of the agent, drug, or method including federal approvals or permits obtained, as applicable, and any mandated labeling restrictions or limitations designed to reduce or minimize detrimental effects to wildlife and humans;
 - d. Necessary approvals, including, but not limited to, any federal or state agency approvals for specific use;
 - e. Citations of published scientific literature that document field studies on the efficacy and safety for the target and non-target species, including predators, scavengers, and humans;
 - f. A description of the activity area;
 - g. A description of the target species population and current status;

- h. A detailed description of the field methodology for delivery including timing, sex and number of animals to be treated, percentage of the population to be treated, and if applicable, calculated population effect; and
 - i. Short and long term monitoring and evaluation procedures.
- 2. Documentation regarding the experience and credentials of the applicant or the applicant's agents as it applies to the requested activity.
- 3. For applicants from a government agency, university, or other institution, written endorsement from the agency or institution.
- 4. Written permission of landowners or lessees in all locations where drugs will be administered.
- D.** The Department shall authorize or deny the request within 90 days. An authorization must include:
 - 1. A description and boundary of the activity area;
 - 2. The names of authorized agents;
 - 3. The authorized drug and methodology to be used;
 - 4. The time frame for the approved activity, including starting and ending dates;
 - 5. Any limits on sex, age, and numbers of wildlife to be treated;
 - 6. Annual and final reporting requirements; and
 - 7. Any other conditions deemed necessary by the Department for the protection of wildlife or public health, safety, or welfare.
- E.** A person with authorization shall:
 - 1. Carry written authorization while engaged in the activity and exhibit it upon request to any peace officer;
 - 2. Allow Department personnel to be present to monitor activities for compliance, public safety, and proper treatment of animals;
 - 3. Adhere to all drug label restrictions and precautions;
 - 4. Provide the required reports under subsection (D)(6):
 - a. The annual report must include the number of animals treated, the level of treatment effect obtained to date, and any problems including mortalities or morbidities of target animals.
 - b. The final report must include the end results, including the number of wildlife treated and treatment effects on target and non-target wildlife, including mortalities, morbidities, and reproductive rate changes; and
 - 6. Follow all conditions and requirements set forth on the authorization.
- F.** This Section does not prohibit the treatment of sick or injured wildlife by a licensed veterinarian or holder of a special license in accordance with R12-4-407(A)(2) and R12-4-428(B)(13), activities as authorized by a Scientific Collecting Permit under R12-4-418, activities as authorized by a Wildlife Service License under R12-4-421, or reasonable lethal removal activities for wildlife control as authorized under A.R.S. § 17-239(A).
- G.** This Section is not intended to limit Department employees in the performance of their official duties related to wildlife management.

- H.** The Department has the authority under A.R.S. § 17-231(A) to take possession of and dispose of any wildlife drugs administered in violation of this section.

R12-4-310. Fishing Permits

- A.** The Department may issue a ~~Fishing Permit~~ fishing permit to state, county, or municipal agencies or departments and to nonprofit organizations licensed by or contracted with the Department of Economic Security or Department of Health Services, whose primary purpose is to provide physical or mental rehabilitation or training for individuals with physical, developmental, or mental disabilities. The permit will allow individuals with physical, developmental, or mental disabilities to fish without a fishing license. The permit will authorize this activity for up to 20 individuals for the two days specified on the permit upon any public waters except that fishing in the waters of the Colorado River is restricted to fishing from the Arizona shoreline only, unless the persons fishing under the authority of the permit also possess a valid Colorado River stamp from the adjacent state. The individuals fishing under the authority of the permit shall comply with other relevant statutes, Commission ~~orders~~ Orders, and rules not contained in this Section.
- B.** An applicant for a ~~Fishing Permit~~ fishing permit shall provide the following to the Department:
1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 2. No change
- C.** The Department shall issue or deny the ~~Fishing Permit~~ fishing permit to an applicant within 30 calendar days of receiving an application.
- D.** The ~~Fishing Permit~~ fishing permit holder shall provide one hour of instruction on fish identification, fishing ethics, safety, and techniques to the individuals who will be fishing under authority of the permit. The Department shall provide the lesson plan for this instruction to the ~~permittee~~ permit holder.
- E.** Each individual fishing without a license under the authority of the ~~Fishing Permit~~ fishing permit may take only one-half the regular bag limit established by Commission ~~order~~ Order for any species, unless the regular bag limit is one, in which case the permit authorizes the regular limit.
- F.** The ~~permittee~~ permit holder shall submit a report to the Department not later than 30 days after the end of the authorized fishing dates. The Department may deny issuance of future ~~Fishing Permits to permittees~~ fishing permits to permit holders who fail to submit the report. The ~~permittee~~ permit holder shall report on a form available from the Department:
1. The ~~Fishing Permit~~ fishing permit number and the information contained in the permit;
 2. No change
 3. No change

R12-4-311. Exemptions from Requirement to Possess an Arizona Fishing License while Taking Aquatic Wildlife

- A. A fishing license is not required to take aquatic wildlife from ~~private waters~~ artificial ponds, tanks, and lakes contained entirely on private lands that are not open to the public and not managed by the Department.
- B. An individual may take terrestrial mollusks or crustaceans from private property without a fishing license. Possession and transportation of live crustaceans is subject to the limitations outlined in R12-4-316.
- C. Any individual fishing in Arizona on ~~the designated~~ any Saturday that occurs during National Fishing and Boating Week may fish without an Arizona fishing license if the individual's privilege to take aquatic wildlife has not been revoked by the Commission. The provisions of this subsection apply to all waters except waters of the Colorado River adjacent to California and Nevada forming the mutual boundaries between Arizona and California or Nevada, where fishing without a license is limited to the shoreline, and Utah portions of Lake Powell, unless the state with concurrent jurisdiction removes licensing requirements on the same day. The provisions of this subsection do not apply to Reservation lands except as authorized by tribal governments.
- D. No change

R12-4-313. Lawful Methods of Taking Aquatic Wildlife

- A. No change
- B. The Commission may, through Commission ~~order~~ Order, prescribe legal sizes for possession of aquatic wildlife.
- C. An individual may take aquatic wildlife by angling or simultaneous fishing as defined in R12-4-101 with any bait, artificial lure, or fly subject to the following restrictions. An individual:
 - 1. Shall not possess aquatic wildlife other than aquatic wildlife prescribed by Commission ~~order~~ Order;
 - 2. No change
 - 3. May use live baitfish, as defined in R12-4-101, only in areas designated by Commission ~~order~~ Order; and
 - 4. No change
- D. In addition to angling, an individual may also take the following aquatic wildlife using the following methods, subject to the restrictions of R12-4-303, R12-4-316, and R12-4-317, and this Section:
 - 1. No change
 - 2. Striped bass may also be taken by spear or spear gun in waters designated by Commission ~~order~~ Order.
 - 3. Live baitfish may also be taken for personal use as bait by:
 - a. No change
 - b. No change
 - c. No change
 - d. A dip net that is no greater than three feet in the greatest dimension. A dip net must be hand held and the motion of the dip net shall be caused only by the physical effort of the operator.
 - 4. No change

5. In addition to the methods described in subsection (D)(4) of this Section, bullfrogs may also be taken by bow and arrow, crossbow, ~~or slingshot~~, or pneumatic weapons.
 6. No change
 - a. No change
 - b. No change
 7. Catfish may also be taken by bow and arrow or crossbow in waters designated by Commission Order.
- E. No change

R12-4-314. ~~Repeated~~ Pick-up and Possession of Wildlife Parts

- A.** For the purposes of this Section, the following definitions apply:
1. “Fresh” means the majority of a carcass or wildlife part that is not exposed dry bone and is comprised mainly of hair, hide, or flesh.
 2. “Not fresh” means the majority of the carcass or wildlife part is exposed dry bone due to natural processes such as scavenging, decomposition, or weathering.
- B.** If not in conflict with federal law, and notwithstanding any provision in Section R12-4-305 to the contrary, no license, permit, tag or stamp are required to pick up and possess naturally shed antlers and horns or parts of a wildlife carcass that are not fresh.
- C.** If not contrary to federal law or regulation, an individual may only pick up and possess a fresh wildlife carcass or its parts under this Section if the individual notifies the Department and:
1. The wildlife carcass or its parts show no evidence of death or wounding from any device used to take wildlife;
 2. The Department’s first report or knowledge of the carcass or its parts is voluntarily provided by the individual wanting to possess the carcass or its parts;
 3. A Department law enforcement officer is able to observe the entire carcass and its parts at the site where the animal died in the same condition and location as when the animal was originally found by the individual wanting to possess the carcass or its parts; and
 4. A Department law enforcement officer, using the officer’s education, training, and experience, finds no indication that the animal may have been taken unlawfully. The Department may require the finder to take the officer to the site where the animal carcass or parts were found if an adequate description or location cannot be provided to the officer.
 5. The Department has no duty to confirm legality in the event of non-availability of a Department officer.
- D.** If a Department law enforcement officer determines that the individual wanting to possess the carcass or its parts is authorized to do so under subsection (C), the officer shall issue a permit authorizing possession of the carcass or its parts. The permit shall contain:
1. A general description of the carcass or its parts;
 2. The date of inspection;
 3. Species of the wildlife carcass;

4. If applicable, horn or antler length and width, and points per side; and
5. A statement that the permit must remain with the carcass or its parts.
- E. The Migratory Bird Treaty Act regulates the pick-up and possession of migratory birds and their parts. The provisions of this Article and regulations promulgated under the Act apply to a person in possession of birds, feathers, other parts, eggs, and nests.
- F. Wildlife parts picked up and possessed from areas under control of jurisdictions that prohibit such activity are illegal to possess in this state.

R12-4-315. Possession of Live Fish; Unattended Live Boxes and Stringers

- A. An individual may possess fish taken alive under R12-4-313 on the waters where taken, except when the take or possession is expressly prohibited by the provisions of R12-4-313, R17-4-316, or R12-4-317, but the individual shall not transport the fish alive from the waters where taken except as allowed in R12-4-316 or R12-4-412.
- B. No change

R12-4-316. Possession, Transportation, or Importation of Live Baitfish, Crayfish, or Waterdogs

- A. No change
- B. An individual may possess or transport the following live baitfish for personal use as live bait in accordance with R12-4-317. An individual who possesses a valid Arizona fishing license may import these live baitfish from California or Nevada without accompanying documentation certifying the fish are free of disease, or may import these live baitfish from any other state with accompanying documentation certifying that the fish are free of Furunculosis.
 1. No change
 2. No change
 3. ~~Red shiner (*Cyprinella lutrensis*)~~
 - 4.3. Threadfin shad (*Dorosoma petenense*);
 - 5.4. Golden shiners (*Notemigonus crysoleucas*); and
 - 6.5. Goldfish (*Carassius auratus*).
- C. No change
- D. No change
- E. No change
- F. No change
- G. An individual shall not import, transport, move between waters, or possess live red shiner (*Cyprinella lutrensis*) for personal use as live bait except that an individual may capture, possess, and use red shiner in the body of water where captured as provided in R12-4-313(D) as live bait when permitted by Commission Order, but may not transport live red shiner from that body of water.

R12-4-317. Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians, and Aquatic Reptiles

- A. Methods of lawfully taking aquatic wildlife during seasons designated by Commission ~~order~~ Order as “general” seasons are designated in R12-4-313.
- B. Other seasons designated by Commission ~~order~~ Order have specific requirements and lawful methods of take more restrictive than those for general seasons, as prescribed in this Section. While taking aquatic wildlife under R12-4-313:
 - 1. No change
 - 2. An individual participating in a “live baitfish” season shall not use any species of fish as live bait, or possess any species of fish for use as live bait at, in, or upon any waters unless that species is specified as a live baitfish for those waters by Commission ~~order~~ Order. Live baitfish shall not be transported from the waters where taken except as allowed in R12-4-316.
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. An individual participating in a “snagging” season shall use this method only at times and locations designated by Commission ~~order~~ Order.
 - 7. An individual participating in a “spear or spear gun” season shall use this method only at times and locations designated by Commission ~~order~~ Order.
 - 8. An individual participating in a bow fishing season, other than general season described in R12-4-313, shall use the methods at times and locations designated by Commission Order.
- C. A “special” season may be designated by Commission ~~order~~ Order to allow fish to be taken by hand, or by any hand-held, non-motorized implement that does not discharge a projectile. The “special” season may apply to any waters where a fish die-off is imminent due either to poor or low water conditions or Department fish renovation activities, or as designated by Commission ~~order~~ Order.

R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles

- A. Methods of lawfully taking wild mammals and birds during seasons designated by Commission ~~order~~ Order as “general” seasons are designated in R12-4-304. Restrictions designated in subsection (C) do not apply to general seasons.
- B. Methods of lawfully taking big game during seasons designated by Commission ~~order~~ Order as “special” are designated in R12-4-304. “Special” seasons are open only to individuals who possess special big game license tags issued under A.R.S. § 17-346 and R12-4-120.
- C. When designated by Commission ~~order~~ Order, the following seasons have specific requirements and lawful methods of take more restrictive than those for general and special seasons, as prescribed in this Section. While taking the species authorized by the season:
 - 1. An individual participating in a “muzzleloader” season shall not use or possess any firearm other than muzzle-loading rifles or muzzle-loading handguns, as defined in R12-4-101. Individuals participating in a “muzzleloader” season may possess a non-hunting handgun for personal protection. It is unlawful to take

any wildlife with this handgun while participating in a “muzzle loader” season. For the purposes of this Section, a non-hunting handgun is defined as a handgun with a barrel length of 6 inches or less that does not have a scope or any type of electronic sight.

2. An individual participating in an “archery-only” season ~~shall~~ may only use and or possess only a bow and arrow as the following methods or devices for taking wildlife, when prescribed in R12-4-304 as lawful for the species hunted; bow and arrow and falconry, and shall not use or possess any other weapons, including crossbows or ~~any other bows with a device that holds the bow in a drawn position to be drawn and held with an assisting device~~, except as authorized by R12-4-216. Individuals participating in an “archery-only” season may possess a non-hunting handgun for personal protection. It is unlawful to take any wildlife with this handgun while participating in an “archery-only” season. For the purposes of this Section, a non-hunting handgun is defined as a handgun with a barrel length of 6 inches or less that does not have a scope or any type of electronic sight.
3. No change
4. No change
5. An individual participating in a “pursuit-only” season may use dogs to pursue bears, mountain lions, or raccoons as designated by Commission ~~order~~ Order, but shall not kill or capture the quarry. An individual participating in a “pursuit-only” season shall possess and, at the request of Department personnel, produce a valid hunting license and any required tag for taking the animal pursued, even though there shall be no kill.
6. An individual participating in a “limited weapon” season may only use or possess the following methods or devices for taking wildlife, when prescribed in R12-4-304 as lawful for the species hunted: bow and arrow; crossbow; pneumatic weapons; falconry; slingshots; any trap except ~~foot-hold~~ foothold steel traps; nets; hand-propelled projectiles; or capture by hand.
7. An individual participating in a “limited weapon-shotgun” season may only use or possess the following methods or devices for taking wildlife, when prescribed in R12-4-304 as lawful for the species hunted: shotgun shooting shot or slug; bow and arrow; crossbow; pneumatic weapons; falconry; slingshots; any trap except ~~foot-hold~~ foothold steel traps; nets; hand-propelled projectiles; or capture by hand.
8. An individual participating in a “limited weapon-shotgun shooting shot” season may only use or possess the following methods or devices for taking wildlife, when prescribed in R12-4-304 as lawful for the species hunted: shotgun shooting shot, bow and arrow, crossbow, pneumatic weapons, falconry, slingshots, any trap except ~~foot-hold~~ foothold steel traps, nets, hand-propelled projectiles, or capture by hand.
9. An individual participating in a “limited weapon-rimfire” season may only use or possess the following methods or devices for taking wildlife, when prescribed in R12-4-304 as lawful for the species hunted: rifled firearms using rimfire cartridges; shotgun shooting shot or slug; bow and arrow; crossbow; pneumatic weapons; falconry; slingshots; any trap except ~~foot-hold~~ foothold steel traps; nets; hand-propelled projectiles; or capture by hand.
10. An individual participating in a “falconry-only” season shall be a falconer ~~either~~ licensed under R12-4-422

~~or unless~~ exempted under A.R.S. § 17-236(C) or R12-4-407, ~~and~~ A falconer participating in a “falconry-only” season shall use no method of take except falconry.

11. No change
12. An individual participating in a “CHAMP” season shall be a challenged hunter access/mobility ~~permittee~~ permit holder under R12-4-217.
13. No change